
Chapter 6

POST-ELECTION DEVELOPMENTS

In the immediate post-election period, the CEC consolidated and announced the official results and began processing the complaints and petitions filed by the parties. Three days after the National Assembly elections, the people of Pakistan went to the polls again, this time to elect members of the four provincial assemblies. Several days later, a new government was formed. This chapter reviews these developments.

A. National Assembly Results

The unofficial results released on October 25 showed an overwhelming IJI victory in the National Assembly elections. (See Appendix XX.) These results more than reversed the 1988 outcome. The results came as a surprise to some analysts who had predicted a close race based partially on pre-election polling and on the relative enthusiasm the parties seemed to generate during the campaign period.

The IJI won 105 of the 216 available National Assembly seats compared to 54 it obtained in 1988, while the PDA managed to win only 44 seats compared to the plurality of 93 that the PPP had won

in 1988.* The most dramatic turnaround for the IJI occurred in Punjab. The IJI more than doubled the number of seats that it won in Pakistan's most populous province, moving from 45 to 94 seats. The PDA meanwhile saw its support plummet by more than 75 percent in Punjab: in 1988, it won 53 seats and in 1990 it won only 14 seats.

The results from other provinces were similar but less dramatic. In Sind, the IJI won three seats in a province where it had been unable to win even one in 1988, and the PDA lost nearly a quarter of its support. Minor parties also gained strength. In Sind, the MQM won 14 seats as opposed to 13 in 1988, and in the North West Frontier Province the ANP's total rose from two to six seats.

The massive reversal in National Assembly seats, however, was not reflected in the overall vote totals. Nationwide, the IJI obtained six-tenths (0.6) of a percentage point more votes than the PDA. As compared to 1988, the PDA lost nearly 2 percentage points of support, moving from 38.70 percent to 36.65 percent. The IJI, meanwhile, showed a significant improvement. In 1988 it received 30.60 percent of the vote, while in 1990 its vote total was 37.27 percent. Under Pakistan's first-past-the-post system, the PDA's small loss of support when coupled with the IJI's relatively large improvement resulted in a dramatic victory for the IJI in terms of the number of seats won. In 1990 the PDA also fielded more candidates than did the IJI; thus the votes that the PDA won were spread among a greater number of contestants. (Chapter 7 provides further analysis of the results.)

Nationwide turnout in the 1990 elections, according to the CEC, was 45.75 percent, representing a slight increase from 43.07 percent 1988. The accuracy of the 1990 turnout figure was questioned by some, as it appeared inconsistent with the low turnout observed in

* In 1988 the PPP ran as an independent party rather than as a member of an alliance. In 1990 it was the largest party in the PDA. For purposes of simplification the term PDA is used in discussing both the 1988 and 1990 election results.

many polling stations. Nonetheless, no concrete evidence was presented that established manipulation of the turnout figure.

B. Provincial Assembly Elections

The provincial assembly results were even more dramatic than those of the National Assembly. (See Appendix XXI.) The IJI emerged with sufficient strength to form governments in all of the provinces except Baluchistan. Once again the size of the IJI's victory in the Punjab was a surprise to some observers: it won more than 216 seats compared to 10 for the PDA. Other observers, however, did not find the results surprising. They pointed out that Nawaz Sharif had gained considerable influence and respect during his tenure as chief minister. They suggested that this fact, when combined with the IJI's victory in the National Assembly elections, provided a highly plausible explanation for the IJI's success.

In Sind, the PDA suffered its worst defeat. In 1988, the PDA won 62 out of 100 provincial seats. The PDA won only 46 seats in 1990 – not enough to form a government in the province long considered its political base. The MQM, which won 28 seats in the Sind Provincial Assembly, confirmed its position as a provincial power and joined with the IJI to form an IJI-led government.

Many factors could explain the IJI's sweeping victories in the provincial elections. All of the reasons that voters had decided to support the IJI three days earlier certainly could have contributed to the results. Voters may also have wanted to support the party that appeared likely to form the new national government.

It is possible, too, that the results demonstrated PDA weaknesses as well as IJI strengths. The electoral losses that the PDA endured on October 24 almost certainly demoralized party workers and diminished their effectiveness on October 27. To the extent that undetected irregularities occurred during the National Assembly balloting, they may also have encouraged more serious abuses during the provincial assembly voting.

This may have also been true with regard to election-related violence. The level of violence increased considerably during the provincial elections: more than 34 persons lost their lives and at least

100 others were injured in random and spontaneous violence throughout the country.

C. Formation of the New Governments

Having gained a majority of the National Assembly seats, the IJI moved quickly to elect a new prime minister. The exercise became largely academic when the Pakistan Muslim League, the largest member of the IJI, chose Nawaz Sharif as its candidate for the post on October 31. His nomination largely laid to rest any speculation that the National Assembly might elect other IJI leaders such as caretaker Prime Minister Ghulam Mustapha Jatoi or former Prime Minister Junejo to the post.

With the encouragement of the IJI leadership, President Ishaq Khan called for the National Assembly members to take their oath of office on November 3 and for the first session to begin immediately thereafter. The National Assembly first elected a new speaker, Gohar Ayub Khan, and then the prime minister. Nawaz Sharif took the oath of office on November 7, 1990.

The speed with which the IJI formed a new government surprised some observers. The PDA argued that the president steamrolled the process through the National Assembly without allowing sufficient time for the CEC to investigate the conduct of the elections. The PDA also charged that the Commission released the official election results far more quickly than in the past due to pressure from the caretaker government. In fact, the CEC released the results only one day earlier than it did in 1988.

Several reasons were suggested as to why the president and the IJI leadership moved quickly to elect a new prime minister. Observers pointed out that the IJI was eager to demonstrate the resolve and cohesiveness of its coalition and that the president wanted to resolve the leadership question before he left the country for the coronation of the new emperor of Japan.

The PDA slowed the process by boycotting the first oath-taking ceremony. The boycott was based on the absence of Asif Ali Zardari. Zardari, who had been elected from a constituency in Karachi and who was in jail at the start of the session, had not been brought to

Islamabad in time for the event by prison authorities. The PDA also staged a walkout to protest the alleged fraud in the elections. Ultimately, though, the PDA decided to assume its seats in the National Assembly, and former Prime Minister Bhutto became leader of the opposition.

The efforts to form governments in the provincial assemblies consumed more time. In the Punjab, the provincial assembly chose Ghulam Haider Wyne of the IJI, which held a majority in the provincial assembly, as chief minister. He took the oath of office on November 10.

The situation in Sind, due to the absence of a majority party, was more controversial than that in the Punjab. The major political parties exchanged accusations of horse trading and intimidation. The provincial assembly eventually chose acting Chief Minister Jam Sadiq Ali as the new chief minister. He took the oath of office on November 5. The PDA alleged that Jam Sadiq had illegally detained PDA provincial assembly members in order to gain their support. They also claimed that the circumstances surrounding the death of a PDA provincial legislator suggested misconduct by the authorities.

The situation in the Baluchistan Provincial Assembly also took longer to sort out. Its leadership finally chose Mir Taj Mohammed Jamali as the chief minister, and he took office on November 17. In NWFP, the provincial assembly chose Mir Afzal Khan, one of Pakistan's wealthiest industrialists and the former acting chief minister, as its new leader.

During the immediate post-election period, the rhetoric of the two major parties differed considerably. The IJI called for reconciliation and an end to partisan bitterness. Former caretaker Prime Minister Jatoi, for example, said: "The country has given its verdict. The elections are behind us. Let us march forward together." Prime Minister Sharif echoed this sentiment and called for the country to unite in an effort to improve its economic health.

The PDA was far more contentious in describing its relationship with the IJI. Bhutto denounced the "repression and prosecution" of her party by the caretaker government, and she described the IJI as

"worshippers of dictatorship" and "so-called democrats." As the weeks passed, however, the PDA's language became less antagonistic.

D. The Complaints Process

The CEC announced the official results for 198 of the 206 National Assembly seats on November 1. It withheld the results of eight seats on the basis of complaints filed prior to November 1 that met the standards of evidence necessary for immediate action. Most of these cases involved constituencies where the results were fairly close and the alleged violence or miscounting of votes could have altered the outcome. In seven of the cases, after hearings, the Commission declared as winners the individuals who had the highest vote totals reported on election day. The remaining case involved NA 156, where the PDA candidate had been announced the winner on election night by a margin of just under 2,000 votes over former caretaker Minister Ilahi Buksh Soomro, the IJI candidate. In response to an IJI complaint, the Commission ordered a recount, which showed the IJI candidate with the largest number of votes; he was ultimately declared the winner. As discussed in the following chapter, NA 156 is one of the constituencies where the statistical anomalies were most unusual.

All major parties filed complaints with the CEC, although the PDA filed the greatest number. The complaints requested repolling and recounting, citing such pre-election, election day and post-election irregularities as tampering with ballot boxes, improper registrations, violence at the polling stations, and the failure of polling officers to provide tally sheets to party agents. Citing a lack of evidence, the CEC dismissed the majority of these complaints.

Overall, the CEC held hearings on 103 complaints. The Commission accepted the validity of 13 of these complaints and dismissed the rest. In nine provincial assembly constituencies, the Commission ordered repolling; four of these cases involved repolling throughout the entire constituency, and five cases required partial repolling. Most of these cases involved election-day violence that prevented polling as prescribed by law. The Commission primarily

relied on election officials or civil authorities to confirm the allegations of violence.

The Commission ordered recounting in two National Assembly constituencies, NA 29 and NA 156, and two provincial assembly constituencies. As described above, the recounting in NA 156 resulted in a new outcome. In NA 29, a constituency in the Federally Administered Tribal Areas, the Commission had declared an independent candidate the winner with a one-vote margin. After a recount, however, the original second-place finisher – who was also an independent – was declared the new winner, and was allowed to assume his seat in the National Assembly. With fewer than 2,000 votes cast in the entire constituency and with such a small margin of victory, it is not particularly surprising that a recount resulted in a new winner.

The CEC's dismissal of most complaints reflects the high standard of evidence that the law requires and the inability of the allegedly aggrieved parties to collect such conclusive evidence. The CEC's interpretation of the law requires the plaintiff to present *prima facie* evidence, which effectively denies many aggrieved parties access to the most expeditious form of redress. Moreover, if the PDA's allegations concerning partisan civil and election officials were accurate, official accounts may not have fully described election day violence.

Election complaints are not the only option available to aggrieved parties. Parties or individuals may also file election petitions before the CEC. These petitions, however, require extensive preparation and are expensive to pursue. Where the CEC can resolve complaints and order immediate action, election petitions are heard before election tribunals and involve considerable legal preparation.

The CEC received 66 petitions relating to National Assembly constituencies before the December 15 deadline. This compares to 52 that it received in 1988 and 76 in 1985. The Commission received 73 petitions concerning provincial assembly constituencies. This compares to 64 in 1988 and 143 in 1985. As was the case with the complaints, the PDA filed the majority of the petitions. Most of the

petitions made the same kind of allegations presented in the complaints.

E. National Assembly By-Elections

The election laws stipulate that the CEC should hold by-elections in those constituencies that did not elect a candidate on the regular election day or those where the winning candidate resigned his/her position having won more than one seat in the National Assembly. Following the October 24 National Assembly elections 10 seats in the Assembly remained to be filled. The CEC therefore scheduled by-elections for January 10, 1991. The IJI's pattern of victories was reconfirmed in these elections. The IJI won eight of the races, while a PDA candidate and an independent candidate each won one. In one of these constituencies, an IJI candidate ran unopposed.

These elections, however, were once again mired in controversy. The PDA alleged that IJI supporters and the civil authorities arrested, harassed and intimidated PDA candidates and supporters. The PDA also accused the civil authorities of forcing PDA candidates to withdraw from races. In NA 90, for example, Ghaus Ali Shah, a former chief minister of Sind, ran unopposed after the PDA candidate withdrew. PDA candidates in two other constituencies also withdrew, but were replaced by other PDA supporters.

Other parties also made allegations concerning the process. Nawabzada Nasrullah Khan, president of the People's Democratic Party (PDP), who lost in NA 137 despite the help of former caretaker Prime Minister Jatoi, claimed that his party agents had been beaten and ejected from the polling places.

The by-elections increased the IJI's majority in the National Assembly. They also, however, increased concern about the electoral process. Turnout for the by-elections was extremely low and, in Sind particularly, credible reports suggest that politically related violence continued to be a very serious problem.